

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

APR 07 2010

UNITED STATES OF AMERICA )

v. )

HORACE M. COOPER, )

Defendant. )

No. 015-10-076 (ESH)

U.S. DISTRICT COURT

**FACTUAL BASIS FOR PLEA**

The United States of America, by and through its undersigned attorneys, and the defendant, HORACE M. COOPER, personally and through his undersigned counsel, hereby stipulate to the following facts pursuant to U.S. Sentencing Guideline § 6A1.1 and Rule 32(c)(1) of the Federal Rules of Criminal Procedure:

1. From December 2002 through August 2005, defendant HORACE M. COOPER worked full-time for the U.S. Department of Labor. The Labor Department is a department or agency within the Executive Branch of the United States Government.

2. At all relevant times hereto, defendant HORACE M. COOPER worked full-time as the Chief of Staff for the Employment Standards Administration. The office space where defendant COOPER worked for the Labor Department was physically located in the District of Columbia.

3. Throughout his tenure with the Labor Department, defendant HORACE M. COOPER was required by law to complete, execute, certify, and submit annual Executive Branch Personnel Public Financial Disclosure Reports (SF-278) documenting, among other things, all gifts of a certain value he received from specified sources.

4. The Executive Branch Personnel Public Financial Disclosure Reports provided the government and the general public with a mechanism for determining actual or potential conflicts of interest between an employee's public responsibilities and his or her private interests and activities. It was material to defendant HORACE M. COOPER's supervisors and relevant ethics personnel that the defendant respond accurately and truthfully about whether he received gifts in excess of a certain value from outside sources with business before the Labor Department because this information was used to determine whether the defendant had actual or potential conflicts of interest.

5. On or about May 14, 2004, defendant HORACE M. COOPER prepared, executed, certified, and submitted as "true, complete and correct to the best of [his] knowledge" an Executive Branch Personnel Public Financial Disclosure Report wherein he falsely certified that he did not receive in Calendar Year 2003 any reportable gifts from one source totaling more than \$285, taking into account the \$114 *de minimis* aggregation exception.

6. In Calendar Year 2003, defendant HORACE M. COOPER solicited, was offered, received, and accepted gifts from then-Washington, D.C. lobbyists Jack A. Abramoff and Neil G. Volz who, at the time, represented a client with business before the Department of Labor. The gifts that defendant COOPER accepted included tickets to professional sporting events in the Washington, D.C. area, with values exceeding the \$285 aggregation threshold for reportable gifts, taking into account the \$114 *de minimis* aggregation exception.

7. In preparing, executing, certifying, and submitting his May 14, 2004 Executive Branch Personnel Public Financial Disclosure Report for Calendar Year 2003, defendant HORACE M. COOPER knew that his Department of Labor supervisors and ethics officials

would use the information contained therein to determine whether an actual or potential conflict of interest existed between defendant COOPER's public responsibilities and his private interest and activities.

8. In doing so, defendant HORACE M. COOPER knowingly made and delivered as true a certificate and writing he was authorized to make as a public officer containing statements which he knew to be materially false.

**FACTUAL BASIS FOR THE STIPULATED  
OBSTRUCTION OF JUSTICE SENTENCING ENHANCEMENT**

As memorialized in paragraph 13 of the Plea Agreement executed in this matter, the parties stipulate that the two-level enhancement for Obstructing or Impeding the Administration of Justice under U.S.S.G. § 3C1.1 applies in this case. In support of the parties' stipulation, and pursuant to U.S.S.G. § 6A1.1 and Rule 32(c)(1) of the Federal Rules of Criminal Procedure, the defendant, HORACE M. COOPER, stipulates that the United States could demonstrate the following facts by at least a preponderance of the evidence sufficient to support the obstruction of justice sentencing enhancement:

On or about August 29, 2008, defendant HORACE M. COOPER submitted to a voluntary interview conducted by special agents of the Federal Bureau of Investigation in connection with this investigation. In the course of that interview, defendant COOPER willfully made materially false and misleading statements and representations to the federal agents concerning his relationships with, and his solicitation and receipt of gifts from, Abramoff and Volz. Thereafter, on or about July 31, 2009, defendant COOPER repeated those statements and representations when he voluntarily testified under oath before the grand jury investigating this matter.

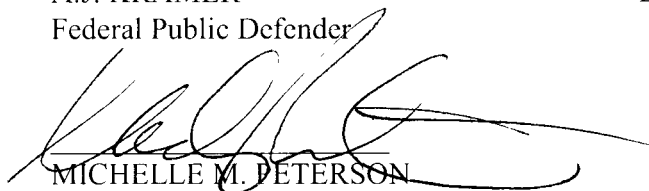
I, HORACE M. COOPER, declare under penalty of perjury in accordance with 28 U.S.C. § 1746 that the foregoing is true and correct. Executed on this 7<sup>th</sup> day of ~~March~~<sup>April</sup>, 2010.

FOR THE DEFENDANT:

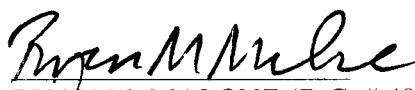
  
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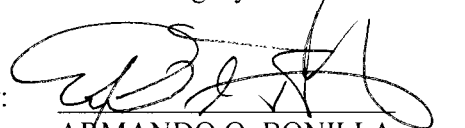
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